

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Ruelle, Jean-Louis  
Serial No.: 09/889,283  
For: Novel Compounds

: Examiner: To be Assigned  
: Art Unit: To be Assigned  
: Itnl Application No. PCT/EP00/00135  
: I.A. Filing Date: 01/10/2000

BOX: PCT  
Commissioner for Patents  
Washington, D.C. 20231

## COMMUNICATION

Sir:

A Notice of Abandonment dated July 9, 2002 (copy enclosed) was received for the above referenced application, alleging that Applicants failed to respond to the Notification of Missing Requirements.

Applicants assert that a timely response to Missing Requirements was filed on February 11, 2002, including authorization to charge Applicant's deposit account for a three (3) month extension of time. This response was timely received by the PCT/PTO on February 26, 2002, as indicated on the stamped return postcard. Thus, the holding of Abandonment is improper. A copy of the previously filed response and the stamped return postcard is enclosed herewith. Applicants respectfully request that the holding of Abandonment be immediately withdrawn.

Respectfully submitted,

*Teresa O. Bittenbender*  
Teresa O. Bittenbender  
Registration No. 47,425  
Attorney for Applicant

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## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being caused to be deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope on July 29, 2002 addressed to: Commissioner for Patents, Box PCT, Washington, D.C. 20231.

*June Robinson*  
June Robinson

*7/29/02*  
Date



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/889,283	Jean-Louis Ruelle	BM45348

25308  
 DECHERT  
 ATTN: ALLEN BLOOM, ESQ  
 4000 BELL ATLANTIC TOWER  
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RECEIVED

JUL 15 2002

S.C.S.

INTERNATIONAL APPLICATION NO.

PCT/EP00/00135

I.A. FILING DATE	PRIORITY DATE
01/10/2000	01/15/1999

CONFIRMATION NO. 2510

371  
 ABANDONMENT/TERMINATION  
 LETTER



\*OC00000008417939\*

Date Mailed: 07/09/2002

**NOTIFICATION OF ABANDONMENT**

The United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS, mailed 09/27/2001 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

BARBARA A CAMPBELL

Telephone: (703) 305-3631

**PART 3 - OFFICE COPY**

Docket # BM 45348Ser. No. 09/1889,283

Filed \_\_\_\_\_

Pat. No. \_\_\_\_\_

Inventor(s) Jean-Louis Ruelle

Atty/Agent \_\_\_\_\_

Title: Novel CompoundsDate Mailed: 2-11-02

Form of Delivery		Application			(*)	Appln. Related
COM Signed By: <u>SCS</u>		Enter Number		Check Type		
Exp. Mail Cert. Signed By:		Specification Pages		Original U.S.		Declaration §1.63
Exp. Mail #		Claim Pages		Continued Prosecution Appln		Preliminary Amendment
By Hand By:		Sheets of Drawings		Provisional		Power of Attorney
Payments		Abstract Pages		Design		Notice to File Missing Parts
Check # for \$		Application Cover Sheet		Divisional		Statement for Small Entity Status
Auth. to Charge Dep. Acct. No. 50-0258 <u>\$1006.00</u>		Sequence Listing Pages				Certificate of Merger (Name Change), plus Recordation Cover Sheet
<u>Missing Requirements Extension fees</u>		(*) Other	(*) Other (Continued)	(*)	Other (Continued)	
Fee For:		Terminal Disclaimer		Letter to USPTO		Transmittal Letter
(*)	Amendment Related	(*) Appeals	Status Letter	Petition for Foreign File License		IDS <b>RECEIVED</b>
	After Rejection (§1.111)	Notice of Appeal	Issue Fee	Claim for Foreign Priority		PTO SB/08A and 08B [ ] pats. [ ] pub. (Formerly PTO-1449)
	After Final Rejection (§1.116)	Appeal Brief	Certified Priority Document	Fee Calculation Sheet		<b>MAR 11 2002</b>
	After Allowance (§1.312)	Reply Brief				S.C.S.
	Supplemental	Petition to Withdraw				
	Voluntary/Preliminary	Request				
	Drawing Correction	Extension of Time §1.136(b)				
	Declaration	Correct Filing Receipt				
	Supplemental Declaration	Certificate of Correction (Form PTO-1050)				

**JC10 Rec'd PCT/PTO 26 FEB 2002**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : International Application No.: PCT/EP99/00135  
Ruelle, et al. : I.A. Filing Date: 10 January 2000  
Serial No.: 09/889,283 : Priority Dates: 15 January 1999, 28 January 1999,  
: 29 January 1999, 09 February 1999,  
: 10 February 1999, 20 February 1999,  
: 23 February 1999 & 25 February 1999

For: Novel Compounds :

Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE**

Sir:

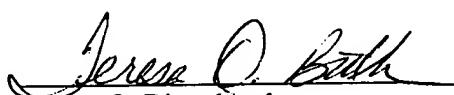
In response to the communication from the Patent Office mailed 27 September 2001, entitled "Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office," enclosed is the Declaration and Power of Attorney for this application, plus the duplicate copy of the Notice to File Missing Parts of the Application form.

The Notice also indicates a claim fee of \$36.00 is required for two additional claims over 20. The Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-0258.

The \$130.00 surcharge for filing the missing parts of the application should be also charged to Deposit Account No. 50-0258.

The \$920.00 surcharge for a three-month time extension should also be charged to Deposit Account No. 50-0258. Any overpayment should be credited to Deposit Account No. 50-0258.

Respectfully submitted,

  
Teresa O. Bittenbender  
Registration No. 47,425  
Attorney for Applicant

08/09/2002 ATRAN1 00000022 500258 09889283  
01 FC:966 36.00 CH  
02 FC:154 130.00 CH  
03 FC:117 920.00 CH

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Docket No. BM45348  
Serial No. 09/889,283

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box PCT, Washington, D.C. 20231.

  
\_\_\_\_\_  
Susan C. Sheehan

2-11-02

Date

790938.1.01

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## NOVEL COMPOUNDS

the specification of which (check one)

is attached hereto.  
 was filed on 10 January 2000 as Serial No. PCT/EP00/00135  
 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or Inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

Number	Country	Filing Date	Priority Claimed
9900952.4	Great Britain	15 January 1999	Yes
9900838.5	Great Britain	15 January 1999	Yes
9901945.7	Great Britain	28 January 1999	Yes
9901948.1	Great Britain	28 January 1999	Yes
9902078.6	Great Britain	29 January 1999	Yes
9902088.5	Great Britain	29 January 1999	Yes
9902074.5	Great Britain	29 January 1999	Yes
9902879.7	Great Britain	9 February 1999	Yes
9902936.5	Great Britain	10 February 1999	Yes
9903978.6	Great Britain	20 February 1999	Yes
9904133.7	Great Britain	23 February 1999	Yes
9904404.2	Great Britain	25 February 1999	Yes

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I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

Application Number	Filing Date
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I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

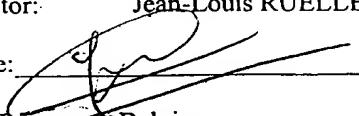
Serial No.	Filing Date	Status
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I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number:

Customer Number 25,308

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Jean-Louis RUELLE

Inventor's Signature:  Date: 31 January 2002

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Inventor's Signature:  Date: 31.01.02

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